

# REGULATION

<b>Appointing Authority Letter Reference:</b> <p style="color: magenta;">CS-6852</p>	<b>Effective Date:</b> <p style="color: magenta;">July 3, 1997</p> <p style="color: blue;">August 20, 2000</p>	<b>Index Reference:</b> <p>Departmental Layoff Plans</p>	<b>Regulation Number:</b> <p style="font-size: 1.5em; font-weight: bold;">2.02</p>
<b>Issuing Bureau:</b> <p>Human Resource Services</p>	<b>Rule Reference:</b> <p>Civil Service Commission Rule <del>2-19.5(e)</del>2-4.4(b)</p>		<b>Replaces:</b> <p style="color: magenta;"><del>Admin. Procedure S-6</del> (CS-64-77) <u>Regulation</u> <u>2.02</u> <u>CS-6852</u> <u>July 3, 1997</u></p>
<b>Subject:</b> <p style="text-align: center; font-weight: bold;">DEPARTMENTAL LAYOFF PLANS</p>			

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**NOTE: THIS REGULATION SUPERSEDES AND REPLACES Administrative Procedure S-6, "Developing Departmental Employment Preference Plans," Effective June 1, 1984 (CS-6477), Advisory Bulletin S-13, effective September 26, 1983.**

### Authority

The Michigan Constitution of 1963, Article 11, Section 5, states:

~~The Commission shall . . . make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service . . . . No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion.~~

## 1. PURPOSE

Departments need to be advised of standards and methods of developing departmental layoff plans and of the criteria Civil Service will utilize in the review process.

An approved departmental layoff plan may vary the application of employment preference in the following areas only:

- A. County preference based on organizational or geographic limits.
- B. Between recognized autonomous entities of a principal department.
- C. Into additional positions in class clusters ~~approved~~submitted by the appointing authority and approved by the Department of Civil Service.
- D. Between ~~employment types~~employee status codes {Ref. Commission Meeting July 2000}.

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

A. Civil Service Commission Rules, Section 2-19.5(e)4(B), 2-4.4(b) states:

*(b) Departmental layoff plans. The department of civil service may approve a departmental layoff plan that varies the application of employment preference within a department or autonomous agency. An approved departmental layoff plan may vary the application of employment preference in the following areas only:*

- (1) The application of county preference based on organizational or geographic limits.*
- (2) The application of employment preference between recognized autonomous entities of a principal department.*
- (3) The application of employment preference into additional positions in class clusters approved by the appointing authority and the department of civil service.*
- (4) The application of employment preference between ~~employment types~~employee status codes {Ref. Commission Meeting July 2000}.*

### **3. STANDARDS**

The following standards and procedures are to be followed when developing a departmental layoff plan:

- A. No departmental layoff plan will be approved that does not conform to Civil Service Commission Rules, particularly Section 2-192-4. A statement should be included to specify that the departmental layoff plan is applicable only to employees not covered by a collective bargaining agreement.
- B. The following provisions regarding application of employment preference cannot be modified by a departmental plan:

  - 1. Determinations of preference by total continuous state service.
  - 2. Qualification determinations as specified in the current rules.
  - 3. Applications of preference between employees with a collective bargaining agreement and those without such an agreement.
  - 4. Any terminology definitions included in the current rules.
  - 5. Employment preference as defined in the current rules.
- C. Civil Service must approve departmental layoff plans at least twenty-eight (28) calendar days prior to implementation of such a plan.
- D. Notice to all affected employees must be published and issued at least fourteen (14) calendar days prior to implementation of a departmental layoff plan.
- E. Departments that wish to apply employment preference into additional positions in class clusters must identify the proposed classes-classifications to be clustered.
- F. Every class in the proposed cluster must meet the minimum requirements of the class-job specifications for every other class-classification in that proposed cluster.
- G. Departments that wish to apply employment preference between employment type/employee status codes must include this in their plans.
- H. Departmental layoff plans must include a clear and understandable explanation of the procedures to be used to implement the plan.

Civil Service will renew-review departmental layoff plans within fourteen (14) calendar days following receipt of all relevant information.

## 4. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Appointing Authority	<ol style="list-style-type: none"><li>1. Prepares a departmental layoff plan in accordance with the standards identified in this regulation.</li><li>2. Sends the drafted plan to <u>the</u>: Department of Civil Service <del>Human Resource Services Bureau</del> <del>Group Leader</del> <del>P.O. Box 30002</del> <del>Lansing, MI 48909</del></li><li>3. Reviews the plan for conformance with Michigan Civil Service Commission Rule <u>2-192-4</u>, and the standards established by this regulation.</li><li>4. Recommends approval or necessary modifications.</li><li>5. Sends letter to appointing authority approving or recommending modifications to the departmental layoff plan.</li></ol>
<del>Human Resource Services Bureau</del> <del>Department of Civil Service,</del> <del>Group Leader</del>	<ol style="list-style-type: none"><li>6. Upon receipt of letter approving or recommending modifications to the departmental layoff plan:<ol style="list-style-type: none"><li>a. Issues notice of the approved departmental layoff plan to all affected employees.</li></ol></li></ol>

**OR**

**Responsibility (cont)**

Appointing Authority

**Action (cont)**

- b. Makes necessary modifications to the plan and returns to the Group Leader, Human Resource Services Bureau, Department of Civil Service.
- 7. Return to step 3 in this procedure for approval process.

**CONTACT**

~~Questions or concerns regarding this regulation should be directed to the Human Resource Services Bureau Group Leader responsible for providing human resource services to the agency: Charles Green, Jr. (517) 373-3326, George Minerick (517) 373-3065, or Carol Mowitz (517) 373-3040.~~Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.

~~This regulation is issued in accordance with Subsection 2-13.5 of the *Michigan Civil Service Commission Rules*.~~